

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB25-1287 be amended as follows:

- 1 Amend printed bill, page 4, strike lines 23 and 24 and substitute "OR
2 PROSPECTIVE COLORADO USER IS:
3 (a) A MINOR; OR
4 (b) A CHILD FOR PURPOSES OF THE "CHILDREN'S ONLINE PRIVACY
5 PROTECTION ACT OF 1998", 18 U.S.C. 6501, ET SEQ.
6 (2) "CHILD" MEANS AN INDIVIDUAL WHO IS UNDER THIRTEEN
7 YEARS OF AGE.
8 (3) "COLORADO MINOR USER" OR "MINOR USER" MEANS A
9 COLORADO RESIDENT WHO".
- 10 Renumber succeeding subsections accordingly.
- 11 Page 5, strike lines 22 and 23 and substitute:
12 "(g) ENGAGEMENT FEATURES SUCH AS COMMENTS, LIKES, TAGS,
13 AND OTHER FORMS OF FEEDBACK, INCLUDING QUANTIFICATION OF SUCH
14 FEATURES, REGARDING ANY ITEM GENERATED BY A USER; AND".
- 15 Page 6, strike lines 7 and 8 and substitute:
16 "(11) "PERSONAL DATA" HAS THE MEANING SET FORTH IN SECTION
17 6-1-1303 (17)".
- 18 Page 9, strike lines 23 through 26.
- 19 Page 13, strike lines 25 and 26 and substitute "**social media companies**
20 **- review process - appeals - collection and retention of personal data**
21 **restricted - effective date contingent upon certification of the attorney**
22 **general - notice to the revisor of statutes. (1) A SOCIAL MEDIA**
23 **COMPANY SHALL IMPLEMENT AN"**.
- 24 Page 14, line 3, after "(2)" insert (a)".
- 25 Page 14, strike lines 8 through 23 and substitute "SECTIONS 6-1-102,
26 6-1-104, AND 6-1-1605.
27 (b) A SOCIAL MEDIA COMPANY SHALL TREAT A COLORADO USER
28 WHO DOES NOT PARTICIPATE IN AN AGE ASSURANCE SYSTEM, OR FOR
29 WHOM AN AGE ASSURANCE SYSTEM DOES NOT RESULT IN A
30 DETERMINATION, AS A MINOR USER. A COLORADO USER WHO IS DEEMED
31 TO BE A MINOR USER MAY APPEAL THE DETERMINATION THROUGH THE
32 REVIEW PROCESS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION.
33 (3) (a) A SOCIAL MEDIA COMPANY SHALL:
34 (I) IMPLEMENT A REVIEW PROCESS THAT ALLOWS A COLORADO

1 USER TO APPEAL THE COLORADO USER'S AGE DESIGNATION BY SUBMITTING
2 INFORMATION TO ESTABLISH THE COLORADO USER'S AGE WITHIN THIRTY
3 DAYS AFTER THE DETERMINATION IS MADE; AND

4 (II) REVIEW INFORMATION SUBMITTED BY A COLORADO USER
5 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION AND MAKE A
6 DETERMINATION WITHIN THIRTY DAYS AFTER THE COLORADO USER'S
7 SUBMISSION OF THE INFORMATION.

8 (b) NOTHING IN THIS SECTION REQUIRES THE USE OF
9 GOVERNMENT-ISSUED IDENTIFICATION.

10 (4) A SOCIAL MEDIA COMPANY SHALL:

11 (a) COLLECT PERSONAL DATA OF A COLORADO USER ONLY AS
12 STRICTLY NECESSARY FOR AGE ASSURANCE;

13 (b) UPON DETERMINING WHETHER A COLORADO USER IS A MINOR
14 USER, RETAIN ANY PERSONAL DATA COLLECTED FROM THE USER FOR AGE
15 ASSURANCE FOR NO MORE THAN THIRTY DAYS, SOLELY FOR THE PURPOSE
16 OF EVALUATING AN AGE DETERMINATION APPEAL. IF NO APPEAL IS
17 SUBMITTED WITHIN THIRTY DAYS, A SOCIAL MEDIA COMPANY SHALL
18 IMMEDIATELY DELETE ANY PERSONAL DATA COLLECTED FROM THE USER
19 FOR AGE ASSURANCE, EXCEPT THE DETERMINATION OF WHETHER THE USER
20 IS OR IS NOT A MINOR. IF A USER APPEALS AN AGE DETERMINATION USING
21 THE PROCESS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, A SOCIAL
22 MEDIA COMPANY SHALL RETAIN ANY PERSONAL DATA COLLECTED FROM
23 THE USER FOR AGE ASSURANCE FOR THE SOLE PURPOSE OF EVALUATING
24 THE APPEAL WITHIN THIRTY DAYS AFTER ITS SUBMISSION. AFTER THE
25 DETERMINATION OF THE APPEAL, A SOCIAL MEDIA COMPANY SHALL
26 IMMEDIATELY DELETE ANY PERSONAL DATA COLLECTED FROM THE USER
27 FOR AGE ASSURANCE, EXCEPT THE DETERMINATION OF WHETHER THE USER
28 IS A MINOR.

29 (c) SEGREGATE AND NOT COMBINE A COLORADO USER'S PERSONAL
30 DATA COLLECTED FOR AGE ASSURANCE WITH ANY OTHER PERSONAL DATA
31 OF THE USER, EXCEPT WHETHER THE USER IS OR IS NOT DETERMINED TO BE
32 A MINOR; AND

33 (d) NOT STORE OR USE ANY PERSONAL DATA OF A COLORADO USER
34 COLLECTED FOR AGE ASSURANCE FOR ANY OTHER PURPOSE EXCEPT WHERE
35 NECESSARY FOR COMPLIANCE WITH ANY APPLICABLE PROVISIONS OF STATE
36 OR FEDERAL LAW OR REGULATION.

37 (5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
38 THE CONTRARY, THIS SECTION TAKES EFFECT OCTOBER 1, 2027; EXCEPT
39 THAT THIS SECTION TAKES EFFECT ONLY IF, ON OR BEFORE OCTOBER 1,
40 2027, THE ATTORNEY GENERAL CERTIFIES THAT NEITHER A COLORADO
41 STATE COURT, THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
42 COLORADO, THE UNITED STATES COURT OF APPEALS FOR THE TENTH
43 CIRCUIT, NOR THE UNITED STATES SUPREME COURT HAS HELD, IN A

1 DECISION THAT HAS NOT BEEN OVERTURNED OR STAYED AND THAT
2 OTHERWISE REMAINS LAW, THAT THE USE OF AN AGE ASSURANCE SYSTEM
3 AS DESCRIBED IN THIS PART 16 VIOLATES THE STATE CONSTITUTION OR
4 THE UNITED STATES CONSTITUTION. NOTHING IN THIS SUBSECTION (5)(a)
5 PRECLUDES FUTURE ACTION TO CONFORM TO SUCH A COURT DECISION IF
6 THIS CERTIFICATION CANNOT BE PROVIDED.

7 (b) IF THE ATTORNEY GENERAL MAKES A CERTIFICATION AS
8 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE ATTORNEY
9 GENERAL SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE
10 DATE WHEN THE CERTIFICATION HAS OCCURRED BY EMAILING THE
11 WRITTEN NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV."

12 Page 15, line 11, strike "VERIFIABLE".

13 Page 15, strike line 12 and substitute "IN SECTION 6-1-1308.5 (3)(a);
14 AND".

15 Page 15, strike lines 18 through 27.

16 Strike pages 16 and 17 and substitute:

17 **"6-1-1605. Colorado minor user accounts - requirements for".**

18 Renumber succeeding C.R.S. sections accordingly.

19 Page 18, line 5, after "INCLUDING" insert "APPLICABLE".

20 Page 18, strike line 14.

21 Page 18, strike lines 16 through 21 and substitute "DISCLOSED; AND

22 (III) INCLUDES A DESCRIPTION OF HOW ALL PERSONALIZED
23 RECOMMENDATION SYSTEMS ARE USED BY THE SOCIAL MEDIA COMPANY
24 TO PROVIDE INFORMATION TO MINORS AND INFORMATION REGARDING HOW
25 MINORS OR THEIR PARENTS CAN OPT OUT OF OR CONTROL SUCH SYSTEMS;

26 (c) CONFIGURE THE FOLLOWING DEFAULT SETTINGS:

27 (I) RESTRICT PUBLIC ACCESS TO A USER'S PERSONAL DATA
28 COLLECTED BY OR SHARED ON THE SOCIAL MEDIA PLATFORM;

29 (II) DISABLE SEARCH ENGINE INDEXING OF MINOR PROFILES OR".

30 Page 18, line 23, strike "(e)" and substitute "(III)".

31 Page 18, line 25, strike "(f)" and substitute "(IV)".

32 Page 19, strike line 1 and substitute:

- 1 "(V) RESTRICT THE VISIBILITY OF INFORMATION POSTED BY A
2 MINOR USER SO THAT IT APPEARS ONLY TO USERS WITH".
- 3 Page 19, line 3, strike "(h)" and substitute "(VI)".
- 4 Page 19, line 5, strike "(i)" and substitute "(VII)".
- 5 Page 19, strike lines 7 and 8 and substitute "PLATFORM MAY CONTAIN THE
6 MINOR'S GEOLOCATION INFORMATION; AND
7 (VIII) NOT DISPLAY A MINOR USER'S LOCATION TO OTHER USERS
8 UNLESS THE MINOR EXPRESSLY AND UNAMBIGUOUSLY SHARES THEIR
9 LOCATION WITH A SPECIFIC USER;
10 (d) ALLOW A MINOR TO DOWNLOAD A FILE WITH ALL
11 INFORMATION".
- 12 Page 19, line 10, strike "(k)" and substitute "(e)".
- 13 Page 19, strike lines 15 through 27 and substitute:
14 "(2) A SOCIAL MEDIA COMPANY SHALL:
15 (a) CONFIGURE ALL DEFAULT SETTINGS FOR A MINOR USER'S
16 ACCOUNT ON THE SOCIAL MEDIA PLATFORM TO THE OPTION AVAILABLE
17 THAT PROVIDES THE MOST PROTECTIVE LEVEL OF PRIVACY AND SECURITY
18 FOR THE MINOR USER; AND
19 (b) NOT PROVIDE A MINOR USER WITH A SINGLE SETTING THAT
20 MAKES ALL OF THE DEFAULT SETTINGS LESS PROTECTIVE AT ONCE."
- 21 Page 20, strike line 17 and substitute:
22 **"6-1-1608. Collection of personal data restricted.** A SOCIAL
23 MEDIA PLATFORM SHALL COLLECT PERSONAL DATA ONLY AS IS
24 REASONABLY NECESSARY AND PROPORTIONATE TO PROVIDE OR MAINTAIN
25 A SPECIFIC PRODUCT OR SERVICE REQUESTED BY THE CONSUMER TO WHOM
26 THE DATA PERTAINS.
27 **6-1-1609. Violations - unfair or deceptive trade practice. A".**
- 28 Page 20, after line 20 insert:
29 **"6-1-1610. Nondiscrimination in applicability.** NOTHING IN THIS
30 PART 16 MAY BE CONSTRUED TO DISCRIMINATE AGAINST A COLORADO
31 MINOR BASED ON RACE, COLOR, ETHNICITY, RELIGION, SEX, DISABILITY,
32 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, OR
33 NATIONAL ORIGIN."
- 34 Renumber succeeding C.R.S. sections accordingly.

1 Page 21, strike lines 8 and 9 and substitute:
2 "6-1-1613. Rules. (1) THE ATTORNEY GENERAL MAY ADOPT
3 RULES TO IMPLEMENT THIS PART 16, INCLUDING RULES:
4 (a) IDENTIFYING AGE ASSURANCE SYSTEMS THAT CAN DETERMINE
5 WHETHER A USER IS A COLORADO MINOR;
6 (b) DESCRIBING AN APPROPRIATE REVIEW PROCESS FOR A USER
7 WHO APPEALS THEIR AGE DESIGNATION; AND
8 (c) PROVIDING ANY ADDITIONAL PRIVACY PROTECTIONS FOR AGE
9 ASSURANCE DATA.
10 (2) IF THE ATTORNEY GENERAL ADOPTS RULES PURSUANT TO
11 SUBSECTION (1) OF THIS SECTION, THE ATTORNEY GENERAL SHALL
12 PERIODICALLY REVIEW AND UPDATE THE RULES AS NECESSARY TO KEEP
13 PACE WITH EMERGING TECHNOLOGY."

14 Page 21, strike lines 18 and 19 substitute "6-1-1607, Colorado Revised
15 Statutes, as added in section 2 of this act, takes effect October 1, 2025;
16 section 6-1-1603, Colorado Revised Statutes, as added in section 2 of this
17 act, takes effect October 1, 2027, except as described within such section
18 6-1-1603; and the remainder of this act takes effect at".

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